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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,354	08/28/2003	Robert Unglert	UNGLERT I	6697
7590	08/17/2005		EXAMINER	
COLLARD & ROE, P.C. 1077 Northern Boulevard Roslyn, NY 11576-1696			NORDMEYER, PATRICIA L	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,354	UNGLERT, ROBERT	
	Examiner	Art Unit	
	Patricia L. Nordmeyer	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 and 25 is/are rejected.
- 7) Claim(s) 14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Withdrawn Rejection

1. The 35 U.S.C. 102(e) rejection of claims 1 – 20 as anticipated by Sellars in the paper dated March 7, 2005 is withdrawn due to Applicant's amendments and arguments in the paper dated June 9, 2005.

2. The 35 U.S.C. 102(e) rejection of claims 1, 2, 3, 6, 7, 9 – 12, 16, 18 and 19 as anticipated by Treichel et al. in the paper dated March 7, 2005 is withdrawn due to Applicant's amendments and arguments in the paper dated June 9, 2005.

New Rejections

Claim Objections

3. Claim 14 is objected to because of the following informalities: The claim is missing the end of the claim limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Treichel et al.

Treichel et al. disclose a multi-layer label (Column 1, line 5) comprising at least one bottom label (Column 1, line 20) and a top label (Column 1, line 24), said top label covering at least partly said bottom label (Column 1, lines 24 - 25), said bottom label at its side facing away from the top label comprising a first adhesive layer adapted to attach the multi-layer label to an object to be labeled (Column 1, lines 21 – 24) said top label comprising a section which protrudes beyond the bottom label at a second end opposite to said first end of said multi-layer label (Column 1, lines 44 – 46) as in claim 18. Also as claimed in claim 18, a receptacle comprising a multi-layer label is disclosed (Column 1, lines 5 – 7). The bottom label and the top label have a self overlapping arrangement on one receptacle, wherein the length of the multi-layer label is greater than the circumference (Column 1, lines 48 – 51) as stated in claim 19.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treichel et al. in view of Pendry et al. (USPN 6,669,804) and Franko, Sr. (USPGPub 2003/0091819).

Treichel et al. disclose a multi-layer label (Column 1, line 5) comprising at least one bottom label (Column 1, line 20) and a top label (Column 1, line 24), said top label covering at least partly said bottom label (Column 1, lines 24 - 25), comprising die cut lines creating at least one detachable section in the region of said second adhesive layer (Figure 1, # 8 and 12 – the adhesive regions are next to the die cut lines, #10 and 13, which put them in the region of the adhesive material) and being adhesively fixed to said bottom label in a region close to a first end of said multi-layer label thus forming a booklet (Figure 1, #8), said bottom label at its side facing away from the top label comprising a first adhesive layer adapted to attach the multi-layer label to an object to be labeled (Column 1, lines 21 – 24) said top label comprising a section which protrudes beyond the bottom label at a second end opposite to said first end of said multi-layer label (Column 1, lines 44 – 46) as in claims 1 and 25. As in claims 2 and 16, there many embodiments for the adhesive layer: first adhesive layer at least partly overlaps the second adhesive layer (Column 1, lines 46 – 51) and selective application of adhesive on both the first and second layers (Column 1, lines 23 - 27). The protruding section is arranged at the margin of the second non-adhesive section (Column 1, lines 44 – 46) and may have attachment means for detachable attachment (Column 2, lines 17 – 22) as in claims 3 and 6. The bottom label and the top label have a self overlapping arrangement on one receptacle, wherein the length of the multi-layer label is greater than the circumference (Column 1, lines 48 – 51) as stated in claims 7 and 19. Regarding claims 9 – 12, the top label comprises punch outs in the region of the second adhesive layer, wherein said punch-outs are arranged such that they create at least one detachable receipt section (Column 1, line 52 to Column 2, line 3) and the punch outs completely separate the top layer by perforations for form free standing sections (Column 2, lines 18 – 29).

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However, Treichel et al. fail to disclose said first layer of adhesive extending only over a minor portion of said bottom label such that said side of said bottom label facing away from said top label has an extended first non-adhesive region, said top label comprises a second adhesive layer extending only over a minor portion of said top label such that said side of said top label facing said bottom label has an extended second non-adhesive region, wherein the bottom label at its side facing the top label comprises a first adhesive-rejecting layer, wherein the first adhesive rejecting layer overlaps the first adhesive layer, wherein the top label comprises a second adhesive rejecting layer, wherein the protruding tab is arranged on the receipt section, wherein a protruding tab for gripping is arranged on the label, wherein the second adhesive layer comprises a surface area which approximately agrees with the surface area of the first adhesive layer, wherein the first and second adhesive layer are arranged so that one covers the other.

Pendry et al. teach a first layer of adhesive extending only over a minor portion of said bottom label such that said side of said bottom label facing away from said top label has an extended first non-adhesive region (Figures 1 and 5, #104; Column 9, lines 48 – 52), the protruding tab is arranged on the receipt section and wherein a protruding tab for gripping is arranged on the label (Figure 1, #162) for the purpose of forming a label with extended text leaflets that has the ability to remove a portion of the label with removing important indicia (Column 2, lines 37 – 46).

Franko, Sr. teach a multi-layer label (Figure 5, #10) with a first layer of adhesive extending only over a minor portion of said bottom label such that said side of said bottom label

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facing away from said top label has an extended first non-adhesive region (Figure 5, #32 and 24), said top label comprises a second adhesive layer extending only over a minor portion of said top label such that said side of said top label facing said bottom label has an extended second non-adhesive region (Figure 5, #18 and 24), wherein the bottom label at it side facing the top label comprises a first adhesive-rejecting layer (Figure 5, #26), wherein the first adhesive rejecting layer overlaps the first adhesive layer, wherein the second adhesive layer comprises a surface area which approximately agrees with the surface area of the first adhesive layer, wherein the first and second adhesive layer are arranged so that one covers the other (Figure 5, #24) for the purpose of forming resealable expanded content label capable of being used with conventional machines for product containers (Page 1, Paragraph 0002).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the location of the adhesive materials in Treichel et al. in order to form a label with extended text leaflets that has the ability to remove a portion of the label with removing important indicia as taught by Pendry et al. and form resealable expanded content label capable of being used with conventional machines for product containers as taught by Franko, Sr.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treichel et al. in view of Sellars.

Treichel et al. disclose a multi-layer label (Column 1, line 5) comprising at least one

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bottom label (Column 1, line 20) and a top label (Column 1, line 24), said top label covering at least partly said bottom label (Column 1, lines 24 - 25), said bottom label at its side facing away from the top label comprising a first adhesive layer adapted to attach the multi-layer label to an object to be labeled (Column 1, lines 21 – 24) said top label comprising a section which protrudes beyond the bottom label at a second end opposite to said first end of said multi-layer label (Column 1, lines 44 – 46). However, Treichel et al. fail to disclose the length of the multi-layer label is greater than twice the circumference of the receptacle.

Sellars teaches a multi-layer label (Figure 5, #110; Column 4, lines 1 – 7), wherein the length of the multi-layer label is greater than twice the circumference of the container (Column 4, lines 1 – 8) for the purpose of forming a label that has a greater amount of print area (Column 4, lines 9 – 11).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the a multi-layer label with a length greater than twice the circumference of the container in Treichel et al. in order to form a label that has greater amount of printer area as taught by Sellars.

Response to Arguments

9. Applicant's arguments with respect to claims 1 – 20 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer

Examiner

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HAROLD PYON
SUPERVISORY PATENT EXAMINER

1992

 8/15/05